

## STATE OF MINNESOTA

## NINETIETH SESSION — 2017

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 FORTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 7, 2017

The House of Representatives convened at 10:00 a.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by the Reverend Dixie Brachlow, Retired Pastor for the Presbyterian Church (USA), St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Albright	Daniels	Halverson	Lee	Neu	Sandstede
Allen	Dauids	Hamilton	Lesch	Newberger	Sauke
Anderson, P.	Davnie	Hansen	Liebling	Nornes	Schomacker
Anderson, S.	Dean, M.	Heintzeman	Lien	O'Driscoll	Schultz
Anselmo	Dehn, R.	Hertaus	Lillie	Olson	Scott
Applebaum	Drazkowski	Hilstrom	Loeffler	Omar	Smith
Backer	Ecklund	Hoppe	Loon	O'Neill	Sundin
Bahr, C.	Erickson	Hornstein	Loonan	Pelowski	Theis
Baker	Fabian	Hortman	Lucero	Peppin	Thissen
Barr, R.	Fenton	Jessup	Lueck	Petersburg	Torkelson
Becker-Finn	Fischer	Johnson, B.	Marquart	Peterson	Uglen
Bennett	Flanagan	Johnson, C.	Masin	Pierson	Urdahl
Bernardy	Franke	Johnson, S.	Maye Quade	Pinto	Vogel
Bliss	Franson	Jurgens	McDonald	Poppe	Wagenius
Bly	Freiberg	Kiel	Metsa	Poston	Ward
Carlson, A.	Garofalo	Knoblach	Miller	Pryor	West
Carlson, L.	Green	Koegel	Moran	Pugh	Whelan
Christensen	Grossell	Koznick	Murphy, E.	Quam	Wills
Clark	Gruenhagen	Kresha	Murphy, M.	Rarick	Youakim
Considine	Gunther	Kunesh-Podein	Nash	Rosenthal	Zerwas
Cornish	Haley	Layman	Nelson	Runbeck	Spk. Daudt

A quorum was present.

Dettmer, Hausman, Lohmer, Slocum and Swedzinski were excused.

Mahoney and Mariani were excused until 1:20 p.m. Howe was excused until 1:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 3, 2017

The Honorable Kurt Daudt  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Daudt:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 837, relating to transportation finance; modifying an appropriation for state road construction.

Sincerely,

MARK DAYTON  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Kurt L. Daudt  
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2017 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2017</i>	<i>Date Filed 2017</i>
662		11	12:09 p.m. April 3	April 3
151		12	11:08 a.m. April 3	April 3
	837	14	12:10 p.m. April 3	April 3

Sincerely,

STEVE SIMON  
Secretary of State

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Marquart, Kiel, Fabian and Backer introduced:

H. F. No. 2588, A bill for an act relating to environment; providing exemptions to requirements for environmental assessment worksheets.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance.

Fabian, Kiel and Marquart introduced:

H. F. No. 2589, A bill for an act relating to natural resources; appropriating money to implement riparian buffers.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance.

Cornish introduced:

H. F. No. 2590, A bill for an act relating to public safety; prohibiting a local governmental unit from dissolving a law enforcement agency without a referendum; proposing coding for new law in Minnesota Statutes, chapter 629.

The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance.

Lesch; Dehn, R.; Loonan; Howe and Hilstrom introduced:

H. F. No. 2591, A bill for an act relating to privacy; enacting the Uniform Employee and Student Online Privacy Protection Act; proposing coding for new law as Minnesota Statutes, chapter 13E.

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy.

Nash, Smith and Christensen introduced:

H. F. No. 2592, A bill for an act relating to local government; requiring notice of certain ordinances and resolutions; requiring an economic analysis on the impact of licensed businesses and local or state tax revenue; amending Minnesota Statutes 2016, section 375.51, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy.

Lesch, Hertaus, Zerwas, Youakim and Loonan introduced:

H. F. No. 2593, A bill for an act relating to children; establishing requirements for gestational carrier contracts; proposing coding for new law in Minnesota Statutes, chapter 257.

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy.

Pelowski; Hortman; Johnson, C.; Schultz; Pryor; Pinto; Maye Quade; Omar; Freiberg; Ward; Poppe; Lien; Halverson; Youakim; Rosenthal; Carlson, A.; Johnson, S.; Considine; Murphy, M.; Mariani; Hilstrom; Masin; Hausman; Carlson, L., and Loeffler introduced:

H. F. No. 2594, A bill for an act relating to higher education; appropriating money for a tuition freeze at Minnesota State Colleges and Universities and the University of Minnesota; increasing state grant awards; amending Minnesota Statutes 2016, sections 136A.101, subdivision 5a; 136A.121, subdivisions 5, 6.

The bill was read for the first time and referred to the Committee on Higher Education and Career Readiness Policy and Finance.

Peppin moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

Thissen was excused between the hours of 12:50 p.m. and 2:05 p.m.

Nelson was excused between the hours of 12:50 p.m. and 3:10 p.m.

#### CALENDAR FOR THE DAY

S. F. No. 800 was reported to the House.

Gruenhagen moved to amend S. F. No. 800, the unofficial engrossment, as follows:

Page 295, after line 19, insert:

"Sec. 10. **MNSURE; SPECIAL ENROLLMENT PERIOD.**

(a) The board of MNsure has determined that exceptional circumstances exist under Code of Federal Regulations, title 45, section 155.420(d)(9) which trigger the need for a special enrollment period for individuals to purchase individual health plans through MNsure, if the individual may be reimbursed for medical care from a qualified small employer health reimbursement arrangement in compliance with the 21st Century Cures Act, Public Law 114-255, section 18001.

(b) The special enrollment period shall occur from the effective date of this section until October 31, 2017.

**EFFECTIVE DATE.** This section is effective seven days following final enactment and applies to individual health plans sold inside of MNsure or outside of MNsure on or after that date.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dehn, R., was excused for the remainder of today's session.

Murphy, E., moved to amend S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 71, line 8, after the second "care" insert "caused by insufficient staffing in the hospital or long-term care facility by licensed practical nurses or registered nurses"

Page 72, line 13, after "physicians," insert "licensed practical nurses and registered nurses, other unlicensed health care personnel,"

Ecklund moved to amend the Murphy, E., amendment to S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 1, after line 1, insert:

"Page 71, line 7, after "occurs" insert "during the individual's transportation to a hospital or long-term care facility or"

Page 1, after line 3, insert:

"Page 71, line 9, after "stay" insert "or during the individual's transportation to the hospital or long-term care facility"

Page 1, after line 5, insert:

"Page 75, after line 9, insert:

"Sec. 9. Laws 1988, chapter 645, section 3, as amended by Laws 1999, chapter 243, article 6, section 9, Laws 2000, chapter 490, article 6, section 15, Laws 2008, chapter 154, article 2, section 30, and Laws 2013, chapter 143, article 4, section 33, is amended to read:

### Sec. 3. **TAX; PAYMENT OF EXPENSES.**

(a) The tax levied by the hospital district under Minnesota Statutes, section 447.34, must not be levied at a rate that exceeds the amount authorized to be levied under that section. The proceeds of the tax may be used for all purposes of the hospital district, except as provided in paragraph (b).

(b) 0.015 percent of taxable market value of the tax in paragraph (a) may be used by the Cook ambulance service and the Orr ambulance service for the purpose of:

(1) ambulance acquisitions for the Cook ambulance service and the Orr ambulance service;

(2) attached and portable equipment for use in and for the ambulances; and

(3) parts and replacement parts for maintenance and repair of the ambulances, and administrative, operation, or salary expenses for the Cook ambulance service and the Orr ambulance service.

~~The money may not be used for administrative, operation, or salary expenses.~~

(c) The part of the levy referred to in paragraph (b) must be administered by the Cook Hospital and passed on in equal amounts directly to the Cook area ambulance service board and the city of Orr to be used for the purposes in paragraph (b).

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

The motion prevailed and the amendment to the amendment was adopted.

Albright moved to amend the Murphy, E., amendment, as amended, to S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 1, line 2, after "staffing" insert "due to nurses' union strikes"

The motion prevailed and the amendment to the amendment, as amended, was adopted.

Murphy, E., moved to amend the Murphy, E., amendment, as amended, to S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 1, after line 5, insert:

"Page 160, after line 22, insert:

"Sec. 9. **[144.591] REQUIREMENTS FOR ASSIGNMENT OF NURSING PERSONNEL.**

Subdivision 1. **Definition.** For purposes of this section and section 144.592, "direct-care registered nurse" means a registered nurse, as defined in section 148.171, subdivision 20, who is nonsupervisory and nonmanagerial and who directly provides nursing care to patients more than 60 percent of the time.

Subd. 2. **Requirements; factors.** A hospital must assign nursing personnel to each patient care unit consistent with the hospital's staffing plan. For each patient care unit, a direct-care registered nurse shall evaluate the following factors to assess and determine the adequacy of staffing levels to meet patient care needs:

- (1) composition of skill mix and roles available;
- (2) patient acuity;
- (3) experience level of registered nurse staff;
- (4) unit activity level, such as admissions, discharges, and transfers;
- (5) variable staffing grids;
- (6) availability of a registered nurse to accept an assignment; and
- (7) nursing intensity.

Subd. 3. **Prohibited acts.** A hospital shall not:

(1) assign a direct-care registered nurse to a hospital unit unless the direct-care registered nurse is able to demonstrate current competence in providing care in that unit and has received orientation to that hospital's unit sufficient to provide competent care to the patients in that unit;

(2) assign nursing personnel from a supplemental nursing services agency to provide patient care on a hospital unit until the agency nurse is able to demonstrate validated competence in providing care in the assigned unit, and has received orientation to that hospital's unit sufficient to provide competent care to patients in that unit; or

(3) assign unlicensed personnel to:

(i) perform direct-care registered nurse functions in lieu of care delivered by a direct-care registered nurse;

(ii) perform tasks that require the assessment, judgment, or skill of a direct-care registered nurse; or

(iii) perform functions of a direct-care registered nurse under the supervision of a direct-care registered nurse.

Subd. 4. **Inadequate staffing.** (a) If any direct-care registered nurse determines that staffing levels are inadequate and so notifies the unit's charge nurse and a manager or administrative supervisor, the manager or administrative supervisor shall consider the following:

(1) current patient care assignments for potential redistribution;

(2) the ability to facilitate discharges, transfers, and admissions;

(3) the availability of additional staffing resources; and

(4) the hospital-wide census and staffing.

(b) If the staffing inadequacies cannot be resolved and resources cannot be reallocated by the manager or administrative supervisor after considering the factors in paragraph (a), the hospital shall call in extra staff to ensure adequate staffing to meet safe patient standards.

(c) Until extra staff arrive and begin to receive patient assignments:

(1) the hospital must suspend nonemergency admissions and elective surgeries that routinely lead to in-patient hospitalization;

(2) the charge nurse for the unit with inadequate staffing levels is authorized to close the unit to new patient admissions and in-hospital transfers; and

(3) a direct-care registered nurse is authorized to refuse an assignment that is unsafe, in the nurse's professional judgment.

Sec. 10. **[144.592] RETALIATION PROHIBITED.**

A hospital shall not retaliate against or discipline a direct-care registered nurse, either formally or informally, for:

(1) refusing to accept an assignment if, in good faith and in the nurse's professional judgment, the nurse determined that the assignment is unsafe for patients due to patient acuity and nursing intensity; or

(2) reporting a concern regarding safe staffing levels."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

A roll call was requested and properly seconded.

The question was taken on the Murphy, E., amendment to the Murphy, E., amendment, as amended, and the roll was called. There were 52 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Allen	Cornish	Hansen	Lesch	Metsa	Sandstede
Applebaum	Davids	Hilstrom	Liebling	Moran	Sauke
Becker-Finn	Davnie	Hornstein	Lien	Murphy, E.	Schultz
Bernardy	Ecklund	Hortman	Lillie	Murphy, M.	Sundin
Bly	Fischer	Johnson, C.	Loeffler	Olson	Wagenius
Carlson, A.	Flanagan	Johnson, S.	Mahoney	Omar	Ward
Carlson, L.	Franke	Koegel	Mariani	Pinto	Youakim
Clark	Freiberg	Kunesh-Podein	Masin	Pryor	
Considine	Halverson	Lee	Maye Quade	Rosenthal	

Those who voted in the negative were:

Albright	Christensen	Grossell	Jurgens	Marquart	Peppin
Anderson, P.	Daniels	Gruenhagen	Kiel	McDonald	Petersburg
Anderson, S.	Dean, M.	Gunther	Knoblach	Miller	Peterson
Anselmo	Drazkowski	Haley	Koznick	Nash	Pierson
Backer	Erickson	Hamilton	Kresha	Neu	Poppe
Bahr, C.	Fabian	Heintzeman	Layman	Newberger	Poston
Baker	Fenton	Hertaus	Loon	Nornes	Pugh
Barr, R.	Franson	Hoppe	Loonan	O'Driscoll	Quam
Bennett	Garofalo	Jessup	Lucero	O'Neill	Rarick
Bliss	Green	Johnson, B.	Lueck	Pelowski	Runbeck



Schomacker	Theis	Urdahl	Whelan	Spk. Daudt
Scott	Torkelson	Vogel	Wills	
Smith	Uglen	West	Zerwas	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

The question recurred on the Murphy, E., amendment, as amended, to S. F. No. 800, the unofficial engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Garofalo and Kresha were excused between the hours of 1:45 p.m. and 2:35 p.m.

Zerwas moved to amend S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 176, after line 21, insert:

"Sec. 37. Minnesota Statutes 2016, section 152.25, is amended by adding a subdivision to read:

**Subd. 1a. Revocation, nonrenewal, or denial of consent to transfer a medical cannabis manufacturer registration.** If the commissioner intends to revoke, not renew, or deny consent to transfer a registration issued under this section, the commissioner must first notify in writing the manufacturer against whom the action is to be taken and provide the manufacturer with an opportunity to request a hearing under the contested case provisions of chapter 14. If the manufacturer does not request a hearing by notifying the commissioner in writing within 20 days after receipt of the notice of proposed action, the commissioner may proceed with the action without a hearing. For revocations, the registration of a manufacturer is considered revoked on the date specified in the commissioner's written notice of revocation.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 38. Minnesota Statutes 2016, section 152.25, is amended by adding a subdivision to read:

**Subd. 1b. Temporary suspension proceedings.** The commissioner may institute proceedings to temporarily suspend the registration of a medical cannabis manufacturer for a period of up to 90 days by notifying the manufacturer in writing if any action by an officer, director, or controlling person of the manufacturer:

- (1) violates any of the requirements of sections 152.21 to 152.37 or the rules adopted thereunder;
- (2) permits, aids, or abets the commission of any violation of state law at the manufacturer's location for cultivation, harvesting, manufacturing, packaging, and processing or at any site for distribution of medical cannabis;
- (3) performs any act contrary to the welfare of a patient or registered designated caregiver; or
- (4) obtains, or attempts to obtain, a registration by fraudulent means or misrepresentation.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 39. Minnesota Statutes 2016, section 152.25, is amended by adding a subdivision to read:

Subd. 1c. **Notice to patients.** Upon the revocation or nonrenewal of a manufacturer's registration under subdivision 1a or temporary suspension under subdivision 1b, the commissioner shall notify in writing each patient and the patient's registered designated caregiver or registered parent or legal guardian about the outcome of the proceeding and information regarding alternative registered manufacturers. This notice must be provided two or more business days prior to the effective date of the revocation, nonrenewal, or suspension.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 40. Minnesota Statutes 2016, section 152.33, is amended by adding a subdivision to read:

Subd. 1a. **Intentional diversion outside the state; penalties.** In addition to any other applicable penalty in law, the commissioner shall levy a fine of \$1,000,000 against a manufacturer and immediately initiate proceedings to revoke the manufacturer's registration, using the procedure in section 152.25, subdivision 1a, if:

(1) an officer, director, or controlling person of the manufacturer pleads or is found guilty under subdivision 1 of intentionally transferring medical cannabis, while the person was an officer, director, or controlling person of the manufacturer, to a person other than allowed by law; and

(2) in intentionally transferring medical cannabis to a person other than allowed by law, the officer, director, or controlling person transported or directed the transport of medical cannabis outside of Minnesota.

**EFFECTIVE DATE.** This section is effective retroactively from February 1, 2017, and applies to the manufacturer if a person pleads guilty or is found guilty on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Davids to the Chair.

Liebling offered an amendment to S. F. No. 800, the unofficial engrossment, as amended.

#### POINT OF ORDER

Knoblach raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Liebling amendment was not in order. Speaker pro tempore Davids ruled the point of order well taken and the Liebling amendment out of order.

Pierson moved to amend S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 291, after line 16, insert:

"Sec. 6. Minnesota Statutes 2016, section 245.91, subdivision 4, is amended to read:

Subd. 4. **Facility or program.** "Facility" or "program" means a nonresidential or residential program as defined in section 245A.02, subdivisions 10 and 14, ~~that is required to be licensed by the commissioner of human services, and any agency, facility, or program that provides services or treatment for mental illness, developmental disabilities, chemical dependency, or emotional disturbance that is required to be licensed, certified, or registered by the commissioner of human services, health, or education;~~ and an acute care inpatient facility that provides services or treatment for mental illness, developmental disabilities, chemical dependency, or emotional disturbance.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2016, section 245.91, subdivision 6, is amended to read:

Subd. 6. **Serious injury.** "Serious injury" means:

- (1) fractures;
- (2) dislocations;
- (3) evidence of internal injuries;
- (4) head injuries with loss of consciousness or potential for a closed head injury or concussion without loss of consciousness requiring a medical assessment by a health care professional, whether or not further medical attention was sought;
- (5) lacerations involving injuries to tendons or organs, and those for which complications are present;
- (6) extensive second-degree or third-degree burns, and other burns for which complications are present;
- (7) extensive second-degree or third-degree frostbite, and others for which complications are present;
- (8) irreversible mobility or avulsion of teeth;
- (9) injuries to the eyeball;
- (10) ingestion of foreign substances and objects that are harmful;
- (11) near drowning;
- (12) heat exhaustion or sunstroke; ~~and~~
- (13) attempted suicide; and
- (14) all other injuries and incidents considered serious after an assessment by a ~~physician~~ health care professional, including but not limited to self-injurious behavior, a medication error requiring medical treatment, a suspected delay of medical treatment, a complication of a previous injury, or a complication of medical treatment for an injury.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2016, section 245.94, subdivision 1, is amended to read:

Subdivision 1. **Powers.** (a) The ombudsman may prescribe the methods by which complaints to the office are to be made, reviewed, and acted upon. The ombudsman may not levy a complaint fee.

(b) The ombudsman is a health oversight agency as defined in Code of Federal Regulations, title 45, section 164.501. The ombudsman may access patient records according to Code of Federal Regulations, title 42, section 2.53. For purposes of this paragraph, "records" has the meaning given in Code of Federal Regulations, title 42, section 2.53(a)(1)(i).

(c) The ombudsman may mediate or advocate on behalf of a client.

(~~e~~) (d) The ombudsman may investigate the quality of services provided to clients and determine the extent to which quality assurance mechanisms within state and county government work to promote the health, safety, and welfare of clients, ~~other than clients in acute care facilities who are receiving services not paid for by public funds. The ombudsman is a health oversight agency as defined in Code of Federal Regulations, title 45, section 164.501.~~

(~~d~~) (e) At the request of a client, or upon receiving a complaint or other information affording reasonable grounds to believe that the rights of ~~a client~~ one or more clients who is may not be capable of requesting assistance have been adversely affected, the ombudsman may gather information and data about and analyze, on behalf of the client, the actions of an agency, facility, or program.

(~~e~~) (f) The ombudsman may gather, on behalf of ~~a client~~ one or more clients, records of an agency, facility, or program, or records related to clinical drug trials from the University of Minnesota Department of Psychiatry, if the records relate to a matter that is within the scope of the ombudsman's authority. If the records are private and the client is capable of providing consent, the ombudsman shall first obtain the client's consent. The ombudsman is not required to obtain consent for access to private data on clients with developmental disabilities and individuals served by the Minnesota sex offender program. The ombudsman may also take photographic or videographic evidence while reviewing the actions of an agency, facility, or program, with the consent of the client. The ombudsman is not required to obtain consent for access to private data on decedents who were receiving services for mental illness, developmental disabilities, chemical dependency, or emotional disturbance. All data collected, created, received, or maintained by the ombudsman are governed by chapter 13 and other applicable law.

(~~f~~) (g) Notwithstanding any law to the contrary, the ombudsman may subpoena a person to appear, give testimony, or produce documents or other evidence that the ombudsman considers relevant to a matter under inquiry. The ombudsman may petition the appropriate court in Ramsey County to enforce the subpoena. A witness who is at a hearing or is part of an investigation possesses the same privileges that a witness possesses in the courts or under the law of this state. Data obtained from a person under this paragraph are private data as defined in section 13.02, subdivision 12.

(~~g~~) (h) The ombudsman may, at reasonable times in the course of conducting a review, enter and view premises within the control of an agency, facility, or program.

(~~h~~) (i) The ombudsman may attend Department of Human Services Review Board and Special Review Board proceedings; proceedings regarding the transfer of clients, as defined in section 246.50, subdivision 4, between institutions operated by the Department of Human Services; and, subject to the consent of the affected client, other proceedings affecting the rights of clients. The ombudsman is not required to obtain consent to attend meetings or proceedings and have access to private data on clients with developmental disabilities and individuals served by the Minnesota sex offender program.

(+) (j) The ombudsman shall gather data of agencies, facilities, or programs classified as private or confidential as defined in section 13.02, subdivisions 3 and 12, regarding services provided to clients with developmental disabilities and individuals served by the Minnesota sex offender program.

(+) (k) To avoid duplication and preserve evidence, the ombudsman shall inform relevant licensing or regulatory officials before undertaking a review of an action of the facility or program.

(l) The Office of Ombudsman shall provide the services of the Civil Commitment Training and Resource Center.

(+) (m) The ombudsman shall monitor the treatment of individuals participating in a University of Minnesota Department of Psychiatry clinical drug trial and ensure that all protections for human subjects required by federal law and the Institutional Review Board are provided.

(+) (n) Sections 245.91 to 245.97 are in addition to other provisions of law under which any other remedy or right is provided.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2016, section 245.97, subdivision 6, is amended to read:

Subd. 6. **Terms, compensation, and removal.** The membership terms, compensation, and removal of members of the committee and the filling of membership vacancies are governed by section ~~45.0575~~ 15.0597.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Baker moved to amend S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 281, after line 4, insert:

"Section 1. Minnesota Statutes 2016, section 151.212, subdivision 2, is amended to read:

Subd. 2. **Controlled substances.** (a) In addition to the requirements of subdivision 1, when the use of any drug containing a controlled substance, as defined in chapter 152, or any other drug determined by the board, either alone or in conjunction with alcoholic beverages, may impair the ability of the user to operate a motor vehicle, the board shall require by rule that notice be prominently set forth on the label or container. Rules promulgated by the board shall specify exemptions from this requirement when there is evidence that the user will not operate a motor vehicle while using the drug.

(b) In addition to the requirements of subdivision 1, whenever a prescription drug containing an opiate is dispensed to a patient for outpatient use, the pharmacy or practitioner dispensing the drug must prominently display on the label or container a notice that states "Caution: Opioid. Risk of overdose and addiction."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Johnson, S., was excused between the hours of 2:30 p.m. and 3:20 p.m.

Green was excused for the remainder of today's session.

Albright moved to amend S. F. No. 800, the unofficial engrossment, as amended, as follows:

Page 287, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 800, A bill for an act relating to human services finance and policy; appropriating money for human services and health-related programs; modifying various provisions governing community supports, housing, continuing care, health care, managed care organizations, health insurance, direct care and treatment, children and families, chemical and mental health services, Department of Human Services operations, Department of Health policy, and health licensing boards; establishing a license for substance abuse disorder treatment; authorizing transfers; providing for supplemental rates; modifying reimbursement rates and premium scales; making forecast adjustments; providing for audits; establishing crumb rubber playground moratorium; authorizing pilot projects and studies; requiring reports; establishing a legislative commission; making technical and terminology changes; amending Minnesota Statutes 2016, sections 3.972, by adding a subdivision; 13.32, by adding a subdivision; 13.46, subdivisions 1, 2, 4; 13.69, subdivision 1; 13.84, subdivision 5; 62A.04, subdivision 1; 62A.21, subdivision 2a; 62A.3075; 62D.105, subdivisions 1, 2; 62E.04, subdivision 11; 62E.05, subdivision 1; 62E.06, by adding a subdivision; 62M.07; 62U.02; 62V.05, subdivision 12; 103I.101, subdivisions 2, 5; 103I.111, subdivisions 6, 7, 8; 103I.205; 103I.301; 103I.501; 103I.505; 103I.515; 103I.535, subdivisions 3, 6, by adding a subdivision; 103I.541; 103I.545, subdivisions 1, 2; 103I.711, subdivision 1; 103I.715, subdivision 2; 119B.011, by adding subdivisions; 119B.02, subdivision 5; 119B.09, subdivision 9a; 119B.125, subdivisions 4, 6; 119B.13, subdivisions 1, 6; 119B.16, subdivisions 1, 1a, 1b, by adding subdivisions; 144.05, subdivision 6; 144.0724, subdivisions 4, 6; 144.122; 144.1501, subdivision 2; 144.551, subdivision 1; 144A.071, subdivision 4d; 144A.351; 144A.472, subdivision 7; 144A.474, subdivision 11; 144A.4799, subdivision 3; 144A.70, subdivision 6, by adding a subdivision; 144D.04, subdivision 2, by adding a subdivision; 144D.06; 145.4716, subdivision 2; 145.986, subdivision 1a; 146B.02, subdivisions 2, 5, 8, by adding subdivisions; 146B.03, subdivisions 6, 7; 146B.07, subdivision 4; 146B.10, subdivision 1; 147.01, subdivision 7; 147.02, subdivision 1; 147.03, subdivision 1; 147B.08, by adding a subdivision; 147C.40, by adding a subdivision; 148.5194, subdivision 7; 148.6402, subdivision 4; 148.6405; 148.6408, subdivision 2; 148.6410, subdivision 2; 148.6412, subdivision 2; 148.6415; 148.6418, subdivisions 1, 2, 4, 5; 148.6420, subdivisions 1, 3, 5; 148.6423; 148.6425, subdivisions 2, 3; 148.6428; 148.6443, subdivisions 5, 6, 7, 8; 148.6445, subdivisions 1, 10; 148.6448; 157.16, subdivision 1; 214.01, subdivision 2; 245.4889, subdivision 1;

245.91, subdivisions 4, 6; 245.97, subdivision 6; 245A.02, subdivision 2b, by adding a subdivision; 245A.03, subdivisions 2, 7; 245A.04, subdivision 14; 245A.06, subdivision 2; 245A.07, subdivision 3; 245A.11, by adding subdivisions; 245A.191; 245A.50, subdivision 5; 245D.03, subdivision 1; 245D.04, subdivision 3; 245D.071, subdivision 3; 245D.11, subdivision 4; 245D.24, subdivision 3; 245E.01, by adding a subdivision; 245E.02, subdivisions 1, 3, 4; 245E.03, subdivisions 2, 4; 245E.04; 245E.05, subdivision 1; 245E.06, subdivisions 1, 2, 3; 245E.07, subdivision 1; 252.27, subdivision 2a; 252.41, subdivision 3; 253B.10, subdivision 1; 253B.22, subdivision 1; 254A.01; 254A.02, subdivisions 2, 3, 5, 6, 8, 10, by adding subdivisions; 254A.03; 254A.035, subdivision 1; 254A.04; 254A.08; 254A.09; 254A.19, subdivision 3; 254B.01, subdivision 3, by adding a subdivision; 254B.03, subdivision 2; 254B.04, subdivisions 1, 2b; 254B.05, subdivisions 1, 1a, 5; 254B.051; 254B.07; 254B.08; 254B.09; 254B.12, subdivision 2; 254B.13, subdivision 2a; 256.01, subdivision 41, by adding a subdivision; 256.045, subdivision 3; 256.969, subdivisions 2b, 4b, by adding a subdivision; 256.975, subdivision 7, by adding a subdivision; 256.98, subdivision 8; 256B.04, subdivisions 21, 22; 256B.056, subdivision 5; 256B.0621, subdivision 10; 256B.0625, subdivisions 3b, 7, 20, 45a, 57, 64, by adding subdivisions; 256B.0659, subdivisions 1, 2, 11, 21, by adding a subdivision; 256B.072; 256B.0755, subdivisions 1, 3, 4, by adding a subdivision; 256B.0911, subdivisions 1a, 3a, 4d, by adding subdivisions; 256B.0915, subdivisions 1, 1a, 3a, 3e, 3h, 5, by adding subdivisions; 256B.092, subdivision 4; 256B.0922, subdivision 1; 256B.0924, by adding a subdivision; 256B.0943, subdivision 13; 256B.0945, subdivisions 2, 4; 256B.196, subdivision 2; 256B.431, subdivisions 10, 16, 30; 256B.434, subdivisions 4, 4f; 256B.49, subdivisions 11, 15; 256B.4913, subdivision 4a, by adding a subdivision; 256B.4914, subdivisions 2, 3, 5, 6, 7, 8, 9, 10, 16; 256B.493, subdivisions 1, 2, by adding a subdivision; 256B.50, subdivision 1b; 256B.5012, by adding a subdivision; 256B.69, subdivision 9e; 256B.76, subdivisions 1, 2; 256B.766; 256B.85, subdivisions 3, 5, 6; 256C.23, subdivision 2, by adding subdivisions; 256C.233, subdivisions 1, 2; 256C.24, subdivisions 1, 2, by adding a subdivision; 256C.261; 256D.44, subdivisions 4, 5; 256E.30, subdivision 2; 256I.03, subdivision 8; 256I.04, subdivisions 1, 2d, 2g, 3; 256I.05, subdivisions 1a, 1c, 1e, 1j, 1m, 8, by adding subdivisions; 256I.06, subdivisions 2, 8; 256J.24, subdivision 5; 256J.45, subdivision 2; 256L.03, subdivisions 1, 1a, 5; 256L.15, subdivision 2; 256P.06, subdivision 2; 256R.02, subdivisions 4, 18; 256R.07, by adding a subdivision; 256R.10, by adding a subdivision; 256R.37; 256R.40, subdivision 5; 256R.41; 256R.47; 256R.49, subdivision 1; 260C.451, subdivision 6; 317A.811, subdivision 1, by adding a subdivision; 327.15, subdivision 3; 609.5315, subdivision 5c; 626.556, subdivisions 2, 3, 3c, 10d, 10j; Laws 2009, chapter 101, article 1, section 12; Laws 2012, chapter 247, article 6, section 2, subdivision 2; Laws 2013, chapter 108, article 15, section 2, subdivision 2; Laws 2014, chapter 312, article 23, section 9, subdivision 8, by adding a subdivision; Laws 2015, chapter 71, article 14, section 3, subdivision 2, as amended; Laws 2017, chapter 2, article 1, sections 1, subdivision 3; 2, subdivision 4, by adding a subdivision; 3; 5; 7; article 2, section 13; proposing coding for new law in Minnesota Statutes, chapters 62J; 62K; 62Q; 119B; 144; 144D; 145; 147A; 148; 245; 245A; 256; 256B; 256I; 256N; 256R; 317A; 448; proposing coding for new law as Minnesota Statutes, chapters 144H; 245G; repealing Minnesota Statutes 2016, sections 13.468; 147A.21; 147B.08, subdivisions 1, 2, 3; 147C.40, subdivisions 1, 2, 3, 4; 148.6402, subdivision 2; 148.6450; 245A.1915; 245A.192; 254A.02, subdivision 4; 256B.0659, subdivision 22; 256B.19, subdivision 1c; 256B.4914, subdivision 16; 256B.64; 256C.23, subdivision 3; 256C.233, subdivision 4; 256C.25, subdivisions 1, 2; 256J.626, subdivision 5; Laws 2014, chapter 312, article 23, section 9, subdivision 5; Minnesota Rules, parts 5600.2500; 9530.6405, subparts 1, 1a, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 15a, 16, 17, 17a, 17b, 17c, 18, 20, 21; 9530.6410; 9530.6415; 9530.6420; 9530.6422; 9530.6425; 9530.6430; 9530.6435; 9530.6440; 9530.6445; 9530.6450; 9530.6455; 9530.6460; 9530.6465; 9530.6470; 9530.6475; 9530.6480; 9530.6485; 9530.6490; 9530.6495; 9530.6500; 9530.6505.

The Speaker resumed the Chair.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Albright	Davids	Hamilton	Loon	Petersburg	Torkelson
Anderson, P.	Dean, M.	Heintzeman	Loonan	Peterson	Uglen
Anderson, S.	Drazkowski	Hertaus	Lucero	Pierson	Urdahl
Anselmo	Erickson	Hoppe	Lueck	Poston	Vogel
Backer	Fabian	Howe	McDonald	Pugh	West
Bahr, C.	Fenton	Jessup	Miller	Quam	Whelan
Baker	Franke	Johnson, B.	Nash	Rarick	Wills
Barr, R.	Franson	Jurgens	Neu	Runbeck	Zerwas
Bennett	Garofalo	Kiel	Newberger	Schomacker	Spk. Daudt
Bliss	Grossell	Knoblach	Nornes	Schultz	
Christensen	Gruenhagen	Koznick	O'Driscoll	Scott	
Cornish	Gunther	Kresha	O'Neill	Smith	
Daniels	Haley	Layman	Peppin	Theis	

Those who voted in the negative were:

Allen	Davnie	Hortman	Lillie	Murphy, E.	Rosenthal
Applebaum	Ecklund	Johnson, C.	Loeffler	Murphy, M.	Sandstede
Becker-Finn	Fischer	Johnson, S.	Mahoney	Nelson	Sauke
Bernardy	Flanagan	Koegel	Mariani	Olson	Sundin
Bly	Freiberg	Kunesh-Podein	Marquart	Omar	Thissen
Carlson, A.	Halverson	Lee	Masin	Pelowski	Wagenius
Carlson, L.	Hansen	Lesch	Maye Quade	Pinto	Ward
Clark	Hilstrom	Liebling	Metsa	Poppe	Youakim
Considine	Hornstein	Lien	Moran	Pryor	

The bill was passed, as amended, and its title agreed to.

## MOTIONS AND RESOLUTIONS

Murphy, E., moved that her name be stricken as an author on H. F. No. 1739. The motion prevailed.

Rosenthal moved that the name of Johnson, C., be added as an author on H. F. No. 2339. The motion prevailed.

Schomacker moved that the name of Franson be added as an author on H. F. No. 2358. The motion prevailed.

Murphy, E., moved that her name be stricken as an author on H. F. No. 2463. The motion prevailed.

Theis moved that the name of Thissen be added as an author on H. F. No. 2528. The motion prevailed.

Grossell moved that the name of Lohmer be added as an author on H. F. No. 2586. The motion prevailed.

Pelowski moved that the name of Lillie be added as an author on H. F. No. 2594. The motion prevailed.



## PROTEST AND DISSENT

Pursuant to Article IV, Section 11 of the Minnesota Constitution, we the undersigned Members of the Minnesota House of Representatives register our protest and dissent against Minority Leader Melissa Hortman for her divisive statements made on Monday, April 3, 2017 during debate on Senate File 803.

Minority Leader Hortman's statements needlessly invoked the race and gender of her colleagues, and called into question the motives of members during a lengthy floor debate.

Her statements stand in direct violation of Mason's Chapter 13, Section 124 which limits debate to the question before the House and prohibits invocation of personalities, and Mason's Chapter 12, Section 114 which prohibits members from questioning the motives of colleagues. Her statements were deeply divisive and beneath the dignity of the Minnesota House of Representatives.

We the undersigned Members of the House of Representatives admonish Minority Leader Hortman for her statements. We implore Minority Leader Hortman to apologize for her actions and strive to repair the damage she has caused to the collaborative work environment at the Minnesota House of Representatives.

Further, pursuant to Article IV, Section 11 of the Minnesota Constitution, we direct that our protest and dissent be entered into the Journal of the House of Representatives.

Signed:

JOYCE PEPPIN  
PEGGY BENNETT  
JOHN POSTON  
JIM NASH  
JIM NEWBERGER  
BARB HALEY  
ANNE NEU  
TIM MILLER  
JASON RARICK  
STEVE DRAZKOWSKI  
ANNA WILLS  
KATHY LOHMER  
MATT BLISS  
GLENN GRUENHAGEN  
MARK UGLEM  
REGINA BARR  
JEFF BACKER  
TONY JURGENS  
PAUL ANDERSON  
MATT GROSSELL  
LINDA RUNBECK  
ERIC LUCERO  
MARY FRANSON  
JOHN PETERSBURG  
JEFF HOWE

KURT DAUDT  
TONY ALBRIGHT  
KEITH FRANKE  
SONDRA ERICKSON  
RANDY JESSUP  
DUANE QUAM  
BUD NORNES  
BOB GUNTHER  
STEVE GREEN  
JERRY HERTAUS  
KELLY FENTON  
RON KRESHA  
TONY CORNISH  
DALE LUECK  
BRIAN JOHNSON  
SANDY LAYMAN  
NELS PIERSON  
CAL BAHR  
DAN FABIAN  
DEBRA KIEL  
CINDY PUGH  
MARION O'NEILL  
BOB VOGEL  
JOSH HEINTZEMAN

## ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, April 18, 2017. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, April 18, 2017.

PATRICK D. MURPHY, Chief Clerk, House of Representatives